

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL C. QUIGGLE
ROBERTA L. QUIGGLE

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No.C10-5221RBL

ORDER OF REMAND

THIS MATTER is before the Court on the following: Plaintiffs' Motion for Expedited Hearing [Dkt. #4] on its "Notice of Removal" [Dkt. # 1], and an April 13, 2010 letter [Dkt. #5] from counsel for Duetsche Bank regarding Plaintiffs' attempted "removal" of an underlying Mason County Superior Court unlawful detainer action against the Plaintiffs by Duetsche Bank. No part of the Mason County action is a part of the record in this case, though there are references to it.

Plaintiffs' March 30, 2010 Complaint avers that this Court has jurisdiction over the "federal questions" raised [erroneously citing "42 U.S.C. §1344;" the Court presumes the reference is to 28 U.S.C. §1331]. It does so based on the fact the defendant banks are federally regulated. There is also a reference

1 to 42 U.S.C. §1983. Plaintiffs' Complaint includes Defendants and causes of action not present in the
2 underlying Mason County action.

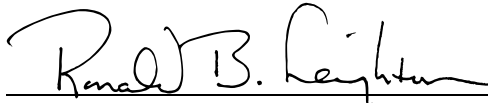
3 According to Duetsche Bank, Plaintiffs filed a "notice of removal" in the Mason County action; and
4 the Plaintiffs filed a Motion for expedited hearing on their "notice of removal" [Dkt. #1 - the "complaint"]
5 in this case. Additional documents referenced in the Plaintiffs' Motion are not in the Court's file.
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7 The Plaintiffs' attempted removal of the Mason County action [Dkt. #1] is not proper or effective
8 under 28 U.S.C. §§1441 and 1446. There is no indication it was timely filed. It does not include a copy of
9 the underlying complaint, it includes additional parties and claims, and appears to have this court review the
10 actions of the commissioner in the underlying case. The Motion for Expedited Hearing [Dkt. #4] on the
11 "removal" is DENIED. The Mason County Case [Cause No. 10-2-00181-0] is not properly before this court.
12 If and to the extent some portion of that case was removed here, that case is REMANDED to the Mason
13 County Superior Court.
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15 Any remaining claims against other parties in this Federal action [Cause No. 10-5221RBL] shall
16 remain in this court pending further Order of the Court.
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18 IT IS SO ORDERED.

19 Dated this 19th day of April, 2010.
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24 RONALD B. LEIGHTON
25 UNITED STATES DISTRICT JUDGE
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